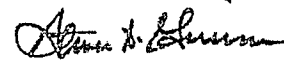


EXHIBIT “A”

Complaint and Summons

EXHIBIT “A”

Electronically Filed
04/08/2017 12:14:25 AM


CLERK OF THE COURT

1 COMP
2 Michael P. Balaban State Bar No. 9370
3 LAW OFFICES OF MICHAEL P. BALABAN
4 10726 Del Rudini Street
5 Las Vegas, NV 89141
6 (702)586-2964
7 Fax: (702)586-3023

8 Attorney for Plaintiff

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

A-17-753715-C

11 MARK FARRAR,

12 Plaintiff,

13 vs.

14 PINNACLE ENTERTAINMENT, INC., a
15 Delaware Corporation; and DOES 1 through
16 20, inclusive,

17 Defendants.

) CASE NO.

) DEPT NO.

XX

) COMPLAINT FOR DAMAGES AND OTHER
18 RELIEF BASED UPON VIOLATION OF:

- 19 1. THE FAIR LABOR STANDARDS
20 ACT
21 2. NEVADA REVISED STATUTES 608,
22 ET SEQ.

23 JURY DEMAND

24 MARK FARRAR (hereinafter "Plaintiff", "Farrar" or "Plaintiff Farrar") alleges as follows:

25 INTRODUCTION

26 1. This action is brought pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C.
27 § 201, et seq. (hereinafter "FLSA") and Nevada Revised Statutes ("NRS") 608, et seq.

28 2. Plaintiff is an individual and is now, and at all times mentioned in this complaint was
a resident of City of Las Vegas, County of Clark, State of Nevada.

3. Defendant PINNACLE ENTERTAINMENT, INC., a Delaware Corporation

1 (hereinafter "Defendant", "Pinnacle" or "Defendant Pinnacle") is now, and at all times mentioned in
2 this complaint was a corporation organized and existing under the laws of the State of Nevada, with
3 their principal place of business in the City of Las Vegas, County of Clark, State of Nevada.

4 4. Plaintiff does not know the true names of Defendants, DOES 1 through 20, inclusive,
5 and they therefore are sued by such fictitious names. Plaintiff is informed and believes that each
6 DOE Defendant is legally responsible, along with named Defendant for the wrongs complained of
7 herein. This Complaint will be amended to more fully state allegations as to DOE Defendants, once
8 that information is obtained.

9 5. Unless otherwise alleged in this Complaint, Plaintiff is informed and believes, and on
10 that basis alleges, that at all times mentioned each Defendant was the partner, agent, co-conspirator
11 and/or employee of its co-Defendants, and in doing things alleged in this Complaint, each was acting
12 within the course and scope of any such partnership, conspiracy, agency, and/or employment.

13 6. The events or omissions giving rise to Plaintiff's claim occurred in this Judicial
14 District, thus venue is proper for this District Court to hear and decide the matter.

15 **FIRST CAUSE OF ACTION**

16 **(For Violation of the FLSA)**

17 7. Plaintiff Farrar incorporates the allegation set forth in paragraphs 1 through 6,
18 inclusive, as if fully set forth herein.

19 8. Defendant regularly engaged in commerce and its employees handled and used goods
20 and services which have moved in interstate commerce and thus is subjected to the provisions of the
21 FLSA.

22 9. At all relevant times, Pinnacle was and is an employer within the meaning of 29
23 U.S.C. § 203(e)(1).

24 10. Plaintiff at all relevant times was an employee of Defendant, as defined by 29 U.S.C.
25 § 203(d).

26 11. During the period of time that Farrar was employed by Pinnacle, Plaintiff performed
27
28

1 work and earned a bonus for which he was not compensated for in an amount to be proven at trial in
2 violation of the FLSA.

3 12. Even though Farrar is no longer employed by Pinnacle, he was employed by
4 Defendant in 2016, the year the bonus is payable for. Plaintiff knows of two other former
5 employees who were paid their bonuses under similar circumstances.

6 13. Further Defendant's actions were with deliberate indifference to such right or were
7 willful, entitling Plaintiff to an award of liquidated damages equal to double the amount of his
8 actual damages pursuant 29 USC §§216(b) and 626(b).

9 14. Finally Plaintiff has incurred, and continues to incur, attorney's fees in the
10 prosecution of his claims. Plaintiff therefore seeks an award of reasonable attorney's fees, in a
11 sum according to proof at trial.

12
13 SECOND CAUSE OF ACTION

14 (For Violation of NRS 608, et seq.)

15 15. Plaintiff Farrar incorporates the allegation set forth in paragraphs 1 through 14,
16 inclusive, as if fully set forth herein.

17 16. At all relevant times, Pinnacle was and is an employer within the meaning NRS
18 608.011.

19 17. Plaintiff at all relevant times was an employee of Defendant, as defined by NRS
20 608.010.

21 18. During the period of time that Farrar was employed by Pinnacle, Plaintiff performed
22 work and earned a bonus for which he was not compensated for in an amount to be proven at trial in
23 violation of NRS 608.016.

24 19. Even though Farrar is no longer employed by Pinnacle, he was employed by
25 Defendant in 2016, the year the bonus is payable for. Plaintiff knows of two other former
26 employees who were paid their bonuses under similar circumstances.

27 20. Further NRS 608.040(1) provides that if an employer does not pay an employee all
28

1 the wages and compensation they are owed when they are due, the wages and compensation
2 continue at the same rate from the day the employee was discharged until paid or for 30 days,
3 whichever is less.

4 21. As set forth above, Plaintiff has not been paid his bonus for 2016 and thus is owed a
5 penalty pursuant to 608.040(1) in an amount to be proven at trial.

6 22. Finally Plaintiff has also incurred, and continues to incur, attorney's fees in the
7 prosecution of his claims. Plaintiff therefore seeks an award of reasonable attorney's fees, in a
8 sum according to proof at trial.

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff Farrar demands judgment against Defendant Pinnacle in excess of
12 the jurisdictional minimum as follows:

13 1. For back pay in earnings and bonuses in an amount to be proven at time of trial
14 pursuant to the FLSA and NRS 608.016;

15 2. For liquidated damages pursuant to 29 USC §§216(b) and 626(b) in an amount equal
16 to double the amount of his actual damages;

17 3. For a penalty pursuant to NRS 608.040(1);

18 4. For attorney's fees and costs in an amount determined by the court to be reasonable;

19 5. For pre-judgment interest on all damages; and

20 6. For any other and further relief that the Court considers proper.

21 **DEMAND FOR JURY TRIAL**

22 Pursuant to Rule 38(b) of the Nevada Rules of Civil Procedure, Plaintiff demands a trial by
23 jury in this action.

24 DATED: 3/31/2017

LAW OFFICES OF MICHAEL P. BALABAN

25
26
27 BY: /s/ Michael P. Balaban

Michael P. Balaban, Esq.

LAW OFFICES OF MICHAEL P. BALABAN

10726 Del Rudini Street

Las Vegas, NV 89141

A-17-753715-C

DISTRICT COURT CIVIL COVER SHEET

Clark

County Nevada

XX

Case No.

Nevada District Court Case No.

I. Party Information (provide both home and mailing addresses if different)

Plaintiff (name, address, phone)

MARK FARRAR

4604 Lakeside Drive

Las Vegas, NV 89130

Defendant (name, address, phone)

PINNACLE ENTERTAINMENT, INC.

3580 Howard Hughes Parkway

Las Vegas, NV 89169

Attorney (name, address, phone)

Michael P. Balaban

LAW OFFICES OF MICHAEL P. BALABAN

10725 Del Rio Court Street

Las Vegas, NV 89141

Attorney (name, address, phone)

Unknown

II. Nature of Controversy (please select the one most appropriate filing type below)

Civil Case Filing Types

Real Property <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <input type="checkbox"/> Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <input type="checkbox"/> Other Real Property <input type="checkbox"/> Condominium/tenant Document <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <input type="checkbox"/> Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<input type="checkbox"/> Torts <input type="checkbox"/> Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Tort/Defendant <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate (please select court case below) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust Controversy <input type="checkbox"/> Other Probate <input type="checkbox"/> Estate Value <input type="checkbox"/> Over \$100,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Coverage <input type="checkbox"/> Construction Defect <input type="checkbox"/> Coverage (if) <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Consumer Commercial Case <input type="checkbox"/> Breach and Construction <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Contract for Insurance <input type="checkbox"/> Collection or Payment <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal <input type="checkbox"/> Judicial Review <input type="checkbox"/> Trial Court Mediation Case <input type="checkbox"/> Motion to Set Aside <input type="checkbox"/> Motus Competency <input type="checkbox"/> Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Workers Compensation <input type="checkbox"/> Other Nevada State Agency <input type="checkbox"/> Appeal (Other) <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Other Civil Filing <input type="checkbox"/> Will of Intestates Estate <input type="checkbox"/> Will of Minors <input type="checkbox"/> Will of One Person	<input type="checkbox"/> Will of Probate <input type="checkbox"/> Will of Probate <input type="checkbox"/> Other Civil Will	Other Civil Filing <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Ex parte Judgment <input checked="" type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil cover sheet.

March 31, 2017

Date

Signature of filer or representative

See www.dccourts.com for additional case filings

E-Filing Details

Page 1 of 2

Details of filing: *Complaint for Damages and Other Relief Based Upon Violation of: 1. The Fair Labor Standards Act; 2. Nevada Revised Statutes 608, et seq.*
Filed in Case Number: *A-17-753715-C*

E-File ID: 9270541

Lead File Size: 26014 bytes

Date Filed: 2017-04-08 00:14:25.0

Case Title: A-17-753715-C

Case Name: MARK FARRAR VS. PINNACLE ENTERTAINMENT, INC.

Filing Title: *Complaint for Damages and Other Relief Based Upon Violation of: 1. The Fair Labor Standards Act; 2. Nevada Revised Statutes 608, et seq.*

Filing Type: EFO

Filer's Name: Michael P. Balaban

Filer's Email: mbalaban@balaban-law.com

Account Name: Law Offices of Michael P. Balaban

Filing Code: COMJD

Amount: \$ 3.50

Court Fee: \$ 270.00

Card Fee: \$ 8.10

Payment: 10-APR-2017 06:43:40 PM: Approved \$281.60 on Visa account "Law Offices of Michael P. Balaban" [****.9895]

Comments:

Courtesy

Copies:

Firm Name: LAW OFFICES OF MICHAEL P. BALABAN

Your File

Number:

Status: Accepted - (A)

Date Accepted: 2017-04-10 15:43:42.0

Review

Comments:

Reviewer: Ivonne Hernandez

File Stamped A-17-753715-C-

Copy: 9270541 COMJD Complaint for Damages and Other Relief Based Upon Violation of 1 The Fair Labor .pdf

Documents: Cover Document: District Court Civil Cover Sheet.pdf 102289 bytes

Lead Document: Complaint for Damages and other Relief.pdf 26014 bytes

Data Reference ID:

Credit Card System Response: AS0CF5A6-4A51
Response: Reference:

SUMM

Michael P. Balaban, State Bar No. 9370
LAW OFFICES OF MICHAEL P. BALABAN
10726 Del Rudini Street
Las Vegas, NV 89141
(702)586-2964
(702)586-3023

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARK FARRAR,

Plaintiff(s),

-vs-

**PINNACLE ENTERTAINMENT, INC., a
Delaware Corporation; and DOES 1
through 20, inclusive,**

Defendant(s).

CASE NO. A753715

DEPT. NO. XX

SUMMONS - CIVIL

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
READ THE INFORMATION BELOW.**

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against
you for the relief set forth in the Complaint.

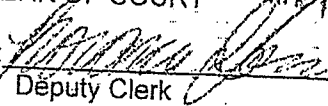
1. If you intend to defend this lawsuit, within 20 days after this Summons is
served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a
formal written response to the Complaint in accordance with the rules
of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and
address is shown below.

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2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

ROXANA GOMEZ

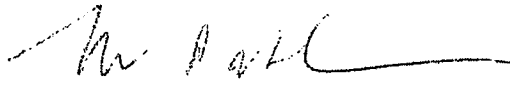
STEVEN D. GRIERSON
CLERK OF COURT

APR 12 2017

By:  Date

Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Submitted by:



Michael
Balaban

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

AFFIDAVIT OF SERVICE

STATE OF)
COUNTY OF) ss:

_____, being duly sworn, says: That at all times herein affiant was and is over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received _____ copy(ies) of the Summons and Complaint, _____ on the _____ day of _____, 20____ and served the same on the _____ day of _____, 20____ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant _____ at (state address) _____
2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address) _____

[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____
 - (a) With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - (b) With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

- ☐ Ordinary mail
☐ Certified mail, return receipt requested
☐ Registered mail, return receipt requested

1 addressed to the Defendant _____ at Defendant's last known address which is
2 (state address) _____
3

4 I declare under penalty of perjury under the law of the State of Nevada that the
5 foregoing is true and correct.
6

7 EXECUTED this _____ day of _____, 20_____.
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9 _____
10 Signature of person making service
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